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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 February 1993]

Legislatures and human rights

1. The useful report of the Secretary-General (E/CN.4/1993/33) deals mostly with "commissions, committees, councils and ombudsmen" (see, e.g. para. 19).

2. The aim of this statement is to remind Governments that United Nations delegates, representatives and staff concerned with the protection and promotion of human rights are often best aided by national legislatures and legislative subgroups. In the United States, for more than a quarter century, it has often been argued that, in practice, legislative committees are probably the nation's most effective "ombudsmen".

3. Most important, perhaps, is that democratically elected legislatures cannot only monitor well but can also prescribe. Again citing the United States experience, it is true that the most publicized congressional

action traditionally has involved specific treaties, to which the Senate's consent regarding ratification is essential, and statutes approved by both Houses of Congress that strengthen the implementation and enforcement of treaties.

4. That legislatures in many countries indeed can help ensure the Government's compliance with the human rights provisions of the Charter of the United Nations is well illustrated by brief excerpts from highly influential statutes enacted by the United States Congress during the 1970s: "{T}he President is directed to formulate and conduct {certain} programmes ... in a manner which will promote and advance human rights ... ." (22 U.S.C. §2304 (a)(3)).

See too 22 U.S.C. §2384 (f)(2)(C), which prescribes duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and refers to his or her "overall policy responsibility for the creation of United States Government human rights policy ... ".